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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 | REGINALD GIBSON,

No. 1:21-cv-00794-DAD-GSA (PC)

12 | Plaintiff,

13 | v.

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

14 | E. CASTELLANOS, et al.,

(Doc. Nos. 9, 12)

15 | Defendants.

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17   Plaintiff Reginald Gibson is a state prisoner proceeding *pro se* and *in forma pauperis* with

18 this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United

19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20   On April 20, 2022, the assigned magistrate judge issued findings and recommendations,

21 recommending that plaintiff's motion for summary judgment be denied as premature because

22 defendants have not had an opportunity to pursue discovery in this action. (Doc. No. 12.) Those

23 findings and recommendations were served on plaintiff and contained notice that any objections

24 thereto were to be filed within fourteen (14) days from the date of service. (*Id.*) To date, no

25 objections to the findings and recommendations have been filed with the court, and the time in

26 which to do so has now passed.

27   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this

28 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the

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1 court finds the findings and recommendations to be supported by the record and by proper

2 analysis.

3   Accordingly,

4   1.   The findings and recommendations issued on April 20, 2022 (Doc. No. 12) are

5   adopted;

6   2.   Plaintiff's motion for summary judgment (Doc. No. 9) is denied as premature; and

7   3.   This case is referred back to the assigned magistrate judge for further proceedings.

8 IT IS SO ORDERED.

9   Dated: **May 24, 2022**

10   UNITED STATES DISTRICT JUDGE